

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY A. SHARP,

Petitioner,

No. CIV S-04-2013 FCD KJM P

vs.

D. ARCAMONE,

ORDER AND

Respondent.

FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

In his petition, petitioner does not seek release from custody. Rather, he asks that the court order the United State Attorney's Office and the State Attorney General to pursue criminal charges against respondent. Petitioner also asks that the court have respondent arrested. Because the court does not have the authority to grant the relief requested, the court will recommend that this matter be dismissed. If petitioner would like any particular agency to pursue criminal charges against respondent, petitioner may wish to contact that agency directly.

1 Petitioner may also wish to consider whether he is able to initiate a separate action by stating a
2 claim under the federal civil rights statute, 42 U.S.C. § 1983, and otherwise meeting the
3 requirements applicable to civil rights cases filed by inmates.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. Petitioner's request for leave to proceed in forma pauperis is granted; and
6 2. The Clerk of Court is directed to send petitioner a copy of the complaint form
7 for use by inmates in filing a complaint under 42 U.S.C. § 1983.

8 IT IS HEREBY RECOMMENDED that this action be dismissed.

9 These findings and recommendations are submitted to the United States District
10 Judge assigned to the case, under the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
11 after being served with these findings and recommendations, petitioner may file written
12 objections with the court. Such a document should be captioned "Objections to Magistrate
13 Judge's Findings and Recommendations." Petitioner is advised that failure to file objections
14 within the specified time may waive the right to appeal the District Court's order. Martinez v.
15 Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 DATED: May 12, 2005.

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19 UNITED STATES MAGISTRATE JUDGE
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